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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,944	11/07/2003	Gerard Boudon	FR920020012US1	2943
32074 7590 01/28/2008 INTERNATIONAL BUSINESS MACHINES CORPORATION DEPT. 18G BLDG. 300-482 2070 ROUTE 52 HOPEWELL JUNCTION, NY 12533			EXAMINER WAI, ERIC CHARLES	
			ART UNIT 2195	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/605,944

Applicant(s)

BOUDON ET AL.

Examiner

Eric C. Wai

Art Unit

2195

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

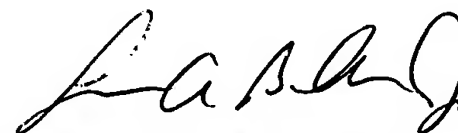
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-6.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.



LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant's arguments are unpersuasive.

2. Applicant argues:

"In rejecting claim 1, the Office Action alleges that AAPA teaches, at [0004] lines 3-9, a first logic means for enabling valid tasks and for inhibiting others; to be presented on a dedicated bus. Applicants respectfully disagree. Paragraph [0004] lines 3-9 describes that conventional controllers are based on a FIFO memory using a totally serial process because the tasks are loaded into the FIFO memory one after another, and therefore the conventional controllers are not adapted for fast processing. However, Applicants were not able to find any evidence supporting the alleged teaching of a first logic means for "inhibiting others", "to be presented on a dedicated bus", or even the existence of "a dedicated bus" in paragraph [0004] lines 3-9 of the alleged AAPA."

3. Examiner disagrees. Paragraph [0004], lines 3-9 of AAPA recite, "The FIFO memory stores all the tasks occurring on the PowerPC bus. By task it is meant an address and the qualifying bits associated thereto according to the rules strictly defined by the PowerPC bus protocol". The conventional controller circuits are capable of "inhibiting others" since only tasks with an address and associated qualifying bits according to the rules strictly defined by the PowerPC bus protocol will not be inhibited. Furthermore, AAPA clearly describes a PowerPC bus which is dedicated to store tasks onto FIFO memory.

4. Applicant argues:

"In rejecting claim 1, the Office Action further alleges that AAPA teaches a task management circuit and the task management circuit includes a FIFO memory connected to the dedicated bus. Applicants would like to point out that, in addition to the deficiency of "a dedicated bus" as discussed above, AAPA does not teach, suggest, or imply a FIFO memory that is connected to a dedicated bus, which is missing, nor a task management circuit that is coupled to the first logic means."

5. Examiner disagrees. Paragraph [0004], lines 3-9 of AAPA clearly indicated a FIFO memory which is connected to the PowerPC bus. It is very clear in AAPA that conventional controller circuits are analogous to the task management circuit of Applicant's invention. It is also inherent that a "first logic means" exists for inhibiting task that do not conform to the rules strictly defined by the PowerPC bus protocol.

6. Applicant argues:

"The Office Action admits that AAPA does not teach that the FIFO memory is configured to store a valid task being presented to all of said storage fields in parallel on said dedicated bus, but alleges that it would have been obvious to combine AAPA with prior art reference Diem, which the Office Action alleges teaching a method of writing and reading data out of a FIFO memory in a parallel manner. Applicants would like to point out that AAPA specifically describes using a totally serial process that is in direct contradict to a parallel process allegedly taught by Diem. In other words, AAPA teaches away from that of Diem and therefore may not be combined with Diem. In the meantime, according to MPEP 2142, "hindsight" based upon Applicants' disclosure cannot be used in making a prima facie case of obviousness rejection."

7. Examiner disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, the combination of AAPA and Diem results in numerous advantages as taught by Diem and indicated in the Final Rejection. In addition, Diem clearly provides the advantage of allowing faster frequency of operation by allowing access of RAM in parallel while serially writing and reading the FIFO (col 2 lines 7-24). Therefore Diem does not destroy the function of AAPA but works with it.

8. Applicant argues:

"The Office Action further admits that neither AAPA nor Diem teaches a second logic means that inhibits the writing of a task in the field(s) of the FIFO memory where a valid task has been entered and enables the writing in the first free field below the pile, while contending that the above feature is obvious to one skilled in the art. Without conceding appropriateness of the alleged motivation of not overwriting valid entries, Applicants would like to point out that the Office Action failed to establish a prima facie case of obviousness against the distinctive feature of "enable said writing in the first free field below in the pile" of independent claim 1."

9. Examiner disagrees. The FIFO memory is used to store valid tasks that require the use of slave devices. One of ordinary skill in the art at the time of the invention would have known to ensure that new tasks would not be written into fields containing valid tasks since the over written task would never be able to execute. In addition, AAPA states that tasks are generally loaded when it is empty, thereby alluding to the well known understanding that if the FIFO is filled, a task is not loaded and thereby inhibited from being written.

10. Proposed 112 changes will be considered when filed.